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**OFFICE OF PETITIONS**

In re Application of	:	
Nicholas W. Warne et al.	:	
Application No. 10/663,264	:	ON PETITION
Filed: September 16, 2003	:	
Attorney Docket No. 22058-544 (AM100664)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2009, to revive the above-identified application.

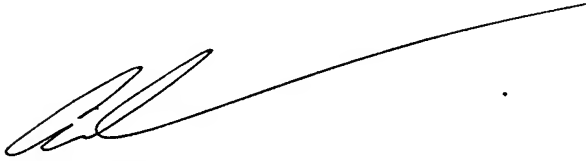
The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed August 6, 2008. A three month extension of time under the provisions of 37 CFR 1.136(a) was obtained. The appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 41.37(b). As no claim was allowed, the application became abandoned on August 7, 2008. See MPEP 1215.04. A Notice of Abandonment was mailed on April 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b), (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the filing of a continuing application under 37 CFR 1.53(b) is accepted as being unintentionally delayed.

The application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the application, the application is again abandoned in favor of a continuing application under 37 CFR 1.53(b).

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long, sweeping horizontal line extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions